HIGH COURT OF CHHATTISGARH, BILASPUR

W.P. (S) No.7390 of 2007

PETITIONERS

1. Gajnu Ram Sahu, age about 46 years, Assistant Teacher S/o Shri Samay Lal Sahu Govt. Primary School Nari, Block Bemetara, District Durg(CG)
2. Gokul Prasad Sharma, Age about 52 years, Assistant Teacher s/o Shri Lakhan Lal Sharma, Govt. Primary School Pendri Block Bemetara, District Durg(CG)
3. Pramod Kumar Tiwari, aged about 46 years, Assistant Teacher, S/o Late Shri Krishna Prasad Tiwari Govt. Primary School Khudmudi, block Bemetara, District Durg(CG)
4. Tikam Ram Yadav Age about 34 years, Assistant Teacher, s/o Shri Chedilal Yadav Govt. Primary School Marjadpur Block Bemetara, District Durg(CG)

Versus

RESPONDENTS

1. State Government of Chhattisgarh, Through Secretary, Tribal Welfare Department & Education Department, D.K.S. Bhawan, District Raipur (C.G.)
2. District Education Officer, Bemetara, District Durg(CG)
3. Block Education Officer, Bemetara, District Durg(CG)

WRIT PETITION UNDER ARTICLE 226 OF THE CONSTITUTION OF INDIA

Appearance:

Shri Somkant Verma, counsel for the petitioners.

Ms. Sunita Jain, Panel Lawyer for the State on advance copy.

ORAL ORDER
(13.12.2007)

SUNIL KUMAR SINHA, J

Heard on admission.

Learned counsel for the petitioners submits that the petitioners have passed D.Ed. examination on their own expenses,

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therefore, they are entitled to receive two advance increments according to circulars dated 24.12.1998 and 01.03.1999. He also submits that in many identical matters, the petitions have been allowed in terms of the order passed in the case of ***Yashwant Kumar Bharadwaj Vs. Municipal Corporation, Durg and another (2006 (II) MPJR-CG 96)***. He submits that the case of the petitioners is squarely covered by the said judgment.

This legal position is not disputed by the learned counsel for the State. However, she submits that the order may be passed in terms of the said judgment, but it shall be subjected to verification regarding petitioners' such qualification.

Accordingly, this writ petition is allowed in terms of the order passed in case of *Yashwant Kumar Bharadwaj Vs. Municipal Corporation, Durg and another (Supra)* subject to verification of the facts as to whether the petitioners had acquired D.Ed. Examination Certificates on their own expenses as per circulars dated 24.12.1998 and 01.03.1999 and further whether they have been paid two advance increments or not.

The petition stands finally disposed of. No order as to costs.

Sd/-
Sunil Kumar Sinha
Judge

Sunita